



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,425	10/06/2004	Dieter Saupe	4100-350PUS	6285
27799	7590	12/04/2006	EXAMINER	
COHEN, PONTANI, LIEBERMAN & PAVANE 551 FIFTH AVENUE SUITE 1210 NEW YORK, NY 10176			EVANISKO, LESLIE J	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/510,425		SAUPE, DIETER	
	Examiner		Art Unit	
	Leslie J. Evanisko		2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-12 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8, 10, 11 and 14 is/are rejected.
- 7) ☒ Claim(s) 9 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 8, 10-11 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Dutro et al. (US 3,111,250). Dutro et al. teach an apparatus for positioning an “external” auxiliary processing device 18, 20 which comprises one of a folder, cross-cutting device, sheet stacker, and a roll winding-up system, relative to a printing press 12, 14, 16, comprising:

a first positioning device 82, 84 mounted on the external auxiliary processing device 18, 20; and

a further positioning device 24 arranged “outside of the printing press” and fixed to a floor 46 relative to the printing press 12, 14, 16, the first positioning device 82 being engageable with the further positioning device such that the external auxiliary processing device is reproducibly positionable at an operating position in relation to the printing press. See Figures 1-2 and 4-5 and column 3, line 73 through column 4, line 38, column 5, lines 3-27, and column 6, lines 42-53 in particular.

Note that since the web processing apparatus of Dutro et al. can include any number and arrangement of modular units 12-20, either one or both of the

Art Unit: 2854

cutting/perforating unit 18 and sheet stacking or roll winding-up system 20 can be considered to be “external” auxiliary processing devices since the printing press structure is only considered by the Examiner to include the web supply 12 and printing units 14 and 16. The arrangement of Figure 1 of Dutro et al. appears to be almost exactly the same as the arrangement shown by applicant in Figure 1 in terms of the “external” auxiliary device(s) which function to further process the printed web. Furthermore, the track structure 24 that constitutes the further positioning device can broadly be considered to be arranged “outside” of the printing press at least to some extent in that the track structure 24 is a separate structure from the printing press units 12, 14, 16 and also extends beyond those units to accommodate further units 18, 20. Therefore, it is the Examiner’s position that Dutro et al. meet the claim language as recited.

With respect to claim 10, note the auxiliary processing device 18, 20 of Dutro et al. has a mobile frame (i.e., housing 74 formed by 70, 72 and panels 73) for providing mobility (i.e., the ability to interchange, remove, replace, move) to the external auxiliary processing device.

With respect to claim 11, note the first positioning device 82 includes a base piece that inherently supports the weight of the external auxiliary processing device when the first positioning device 82 engages the further positioning device 24.

With respect to claim 14, note Dutro et al. teach at least two first positioning devices 82 arranged on the external auxiliary processing device 18, 20 corresponding to two further positioning devices 26, 28 mounted on the floor 46, as shown in Figures 4 and 5 in particular.

Response to Arguments

3. Applicant's arguments with respect to claims 8, 10-11 and 14 have been considered but are moot in view of the new ground(s) of rejection set forth above.

Allowable Subject Matter

4. Claims 9 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

With respect to claim 9, the prior art of record fails to teach or fairly suggest an apparatus for positioning an external auxiliary processing device as defined relative to a printing press having all of the structure as recited, in combination with and particularly including, the first positioning device having a conical outer contour and the further positioning device having a complementary conical recess for engagably receiving the conical outer contour.

With respect to claim 12, the prior art of record fails to teach or fairly suggest an apparatus for positioning an external auxiliary processing device as defined relative to a printing press having all of the structure as recited, in combination with and particularly including, a U-shaped receptacle arranged on the external auxiliary processing device and a cylindrical bolt arranged on the floor in relation to the further positioning device,

the cylindrical bolt being receivable in the U-shaped receptacle for aligning the first positioning device relative to the further positioning device.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone number is **(571) 272-2161**. The examiner can normally be reached on T-F 8:00 am-6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2854

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Leslie J. Evanisko
Primary Examiner
Art Unit 2854

lje
November 25, 2006